

HIGHEST TRIBUNAL

A Day Spent With a Member of the U. S. Supreme Court.

HIS ROUND OF EXACTING DUTIES

Hard Work One of the Conditions of a Justice's Life.

PREPARING OPINIONS

NOW, THOSE MEN have what I call an easy time in life, a remarkable young lawyer, a companion on the avenue the other day, referring to a couple of justices of the United States Supreme Court who were strolling westward in a leisurely manner, apparently enjoying the bracing air.

"Why do you think so?" inquired his companion, quizzically.

"Well, they hold life positions at the very front and of an honorable profession, being the first lawyers of the land; they have nothing to do but render decisions upon cases argued before them, and they are certain of \$10,000 a year as long as they live."

"Your argument is all right as far as it goes," rejoined the elder, "but you have forgotten to state the principal proposition. As a matter of fact there is not a more industrious body of professional men in this country than the United States Supreme Court, and there are few lawyers who have to work as hard and as continuously as the members of this court. Their lives are anything but easy, and any one who enters upon the matter can tell you. Their duties

are exceedingly responsible, to begin with, as immense business interests are often involved, as well as grave matters of state, and are practically continuous, requiring the most assiduous application, deep study and painstaking research.

"The question of the \$10,000 a year does not weigh in the matter at all, for any one of them could earn five times the sum in legal practice, which would take only one-twentieth the time he now devotes to his duty. The honor of the position, the pride in the office, the responsibility, and the realization of the service they perform for their country and the profession is doubtless compensative to them, and furnishes the incentive to retain their positions, but do not for a moment delude yourself that their lives are easy ones."

In Gowns of Silk.

The old lawyer was right; very few people know, in fact, to what extent the duties of the members of the Supreme Court weigh them down with arduous and exacting details. The public only sees the grave and reverend seigniors, robed in gowns of silk, sitting soberly in the comfortable high chairs of the Supreme Court and listening to arguments being made before them. That, indeed, does not look to be very hard work for the members of the court, not half so hard, apparently, as the duties of a member of the bar haranguing them. But this is only the smallest part of their life. The members of the Supreme Court are not only required to hear the cases on the docket of the Supreme Court and under argument require them to work early and late out of court.

Promptly at noon the business of the Supreme Court begins. The clerks rap for order, and the members of the bar show up in the chamber and stand at their feet as he announces the entry of the court. Slowly the members file in, with funeral tread, robed in their voluminous

gowns of black silk, the chief justice at the head of the column. They take their seats behind their chairs, and the clerk continues: "Oyez, oyez, oyez, all persons having business before the Supreme Court of the United States are admonished to draw near and give their attention, for the court is now sitting. God save this honorable court."

With that the chief justice and his associates are prepared to receive the counsel make respectful obeisance, and all hands sit down, the visitors in the chamber hardly daring to draw breath, while the chief justice, with the aid of the clerk, reads the opinion of the court. It is a solemn and impressive scene, and the matter often pronouncing the decision ex tempore, or, if it is a particular case, reading it from manuscript. New members of the bar are appointed to the practice and motions made for the disposal of business.

No Place for Oratory.

Then the case to be argued is called and the attorneys rise to address the court. Before any case is argued it is necessary to file a printed brief for the nature of the case, setting forth the nature of the case and the grounds upon which it is brought before the court. Everything presented for consideration of this tribunal is required to be in printed form. The arguments are usually very prosy. There is rarely any high-sounding oratory attempted, for there is no jury to be influenced and the attorney must stick close to facts. After brief arguments on each side, or, perhaps, without argument, and by the submission of a brief, the case is rested with the court, and the parties at issue must go home and await the rendition of a decision.

This is where the duty of Mr. Justice Blank begins. He is required to consider and judge the argument made by the attorney and to make up his mind on the questions presented for his decision. In his argument the attorney made numerous citations of law, of references and precedents, which Mr. Justice Blank must look up and verify, and he cannot afford to treat any of the attorney's say so. It may have been a forced interpretation or application that the zealous attorney made of the citation,

and this must be examined. Mr. Justice Blank feels also that he must be thoroughly posted on the subject when it comes up for discussion. He must be able to give the court a chamber, for it is a point of pride with him that he must know as much about it as any of his colleagues.

Mr. Justice Blank rises in the morning with the rest of the work-a-day world, and by 9:30 o'clock is ready for business. He has an office at his residence, with a reference library of standard legal works and law reports. The government furnishes him

a secretary, who must be an expert stenographer and who attends him at his house. For a couple of hours or so in the morning the work of examining citations proceeds, the details varying with the nature of the case. By noon Mr. Justice Blank is in the Capitol and ready to take up the routine in the court room. The court sits from 12 o'clock to 2 o'clock, the second Monday in October until the middle or latter part of May, five days in the week.

Work in the Evening.

After adjournment Mr. Justice Blank will more than likely walk home, given a pleasant day, his feet weary of stretching his limbs after sitting four hours on the bench, or rather in a leather chair. In the evening he puts in his best work on the case in hand, and if it is an interesting one will probably keep at it until a late hour. Perhaps he has his secretary read him the briefs and papers, or the visions of the law, or the record of the lower court upon which the case was argued. This is continued until Mr. Justice Blank has absorbed clear ideas of his own view of what ought to be the decision in the case.

Every Saturday the members of the court meet at the residence of the chief justice, assemble in a little room on the basement floor, used for that purpose alone. Up to this point the public has kept tolerably well posted on the duties of the members of the court, but here the court parts company with the public and the rest can only be surmised.

The consultation chamber, the holy of holies, where the members of the court meet, is a place where no one is allowed to enter, except by invitation of the members themselves and they never tell. It is a surprise, however, that in this room and in this chamber the members of the court reach their individual opinion upon the case at issue and reach a conclusion on it. The clerk of the court is designated one of the court to be prepared to deliver the opinion of the court to be delivered at some future date.

Justice Blank, having now received authorization to present the opinion of the court upon the case, proceeds to draw it out in a long and tedious manner, with deliberation, with rare choice of phrase, laying down the law. He knows that this opinion will be read by every lawyer in the country, and he knows that it will be read with keen eye and discriminating mind, and he must make it proof against assault for his own pride's sake. Moreover, this is to his own credit, and he would like to have it stand as a monument to his ability. In the morning the members of the court meet in the morning and the members of the court are all in similar cases.

Time and Labor.

Some of the opinions delivered by members of the court are at great length, going exhaustively into the subject and intrenching upon the court's time. The members of the court are not only required to hear the cases on the docket of the Supreme Court and under argument require them to work early and late out of court.

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